

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:

MIGUEL L. ALVAREZ BENITEZ  
CARMEN D. CASANOVA TOLEDO

Debtor(s)

Case No.:13-01647-BKT

Chapter 13

TRUSTEE'S OBJECTION TO EXEMPTION(S)

TO THE HONORABLE COURT:

**COMES NOW** Alejandro Oliveras Rivera, Chapter 13 Trustee, through the undersigned attorney, and very respectfully states, alleges and prays as follows:

**INTRODUCTION**

1. The meeting of creditors concluded on April 9, 2013.

**TRUSTEE'S OBJECTION OVER CLAIM FOR EXEMPTION UNDER  
TITLE 31 OF LAWS OF PUERTO RICO, SECTIONS 1851-1857**

2. The captioned Debtor(s) listed in Schedule "A" the estate property that is described as follows:

**Concrete and blocks structure, 3 bedrooms, 2 bathrooms, living-dining room, garage, one story.  
Location: Barrio Montebello 211 Calle Los Pinos, Manati, Puerto Rico  
Value: \$100,000**

3. Scotiabank de Puerto Rico is a secured creditor, who has a judicial lien over the above mentioned real property. See title search attached to creditor's Objection to Confirmation filed at Docket 14.

4. The captioned Debtor(s) claimed exemption over the above mentioned property in the amount of \$100,000.00 pursuant to state law, specifically "PRLA 31 §§ 385(A), 1851-1857.

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5. For the reasons stated below, the trustee hereby objects to the above claim for exemption and requests that it be denied in its entirety:

- (A) As per state court resolution shown at the meeting of creditors, the homestead protection was denied by the state court.

**WHEREFORE** the Trustee respectfully prays that an order be entered denying the debtor (s) claim for exemption(s) as set out above.

**RESPECTFULLY SUBMITTED.**

**NOTICE** Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party in interest whom this document has been served, or any other party to the action who objects the relief sought herein, shall serve and file an objection or other appropriate response to this document with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the document will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the Court may - in its discretion - schedule a hearing. 9013-1(h)(1).

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail. I further certify that the foregoing document has been served to the U.S. Trustee at [ustregion21.hr.ecf@usdoj.gov](mailto:ustregion21.hr.ecf@usdoj.gov) and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to debtor(s) at the address of record.

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In San Juan, Puerto Rico, this 9<sup>th</sup> day of May, 2013.

**ALEJANDRO OLIVERAS RIVERA**

**CHAPTER 13 TRUSTEE**

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By: **/s/MIRIAM SALWEN ACOSTA**

MIRIAM SALWEN ACOSTA

Staff Attorney

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